

Message Text

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43

ACTION EA-14

INFO OCT-01 EUR-25 ADP-00 EB-11 NSC-10 NSCE-00 COME-00 L-03

CIAE-00 INR-10 NSAE-00 RSC-01 LOC-01 RSR-01 /077 W

----- 027776

R 230945Z JUL 73

FM USLO PEKING

TO SECSTATE WASHDC 458

INFO AMCONSUL HONG KONG

AMEMBASSY OTTAWA

C O N F I D E N T I A L PEKING 0627

E.O. 11652: GDS

TAGS: EIND, CH, CA

SUBJ: PRC-CANADA TRADE MARKS AGREEMENT

REF: STATE 141280

1. ACCORDING TO MAURICE COPITHORNE, COUNSELOR OF CANADIAN EMBASSY, THE ONLY OPERATIVE SENTENCE OF PRC-CANADA TRADE MARKS AGREEMENT IS SENTENCE FROM NCNA WHICH IS QUOTED IN PARAGRAPH 1, REFTEL. REMAINDER OF NOTES EXCHANGED IS COMPLIMENTARY AND NON-SUBSTANTIVE. USLO WILL POUCH TEXTS WHEN WE RECEIVE THEM.

2. COPITHORNE SAID THERE WAS LACK OF ENTHUSIASM FOR AN AGREEMENT FROM OFFICIAL QUARTERS IN OTTAWA SINCE CANADIAN LAW ALREADY PERMITS REGISTRATION OF TRADE MARKS BY FOREIGNERS, PROVIDED THEIR COUNTRIES ACCORD RECIPROCAL TREATMENT TO CANADIANS. BUT THE PRC, HE SAID, APPARENTLY USES BILATERAL AGREEMENTS AS THE LEGAL BASIS FOR GRANTING FOREIGNERS TRADE MARK REGISTRATION RIGHTS IN CHINA. IN A SEPARATE CONVERSATION, CANADIAN COMMERCIAL COUNSELOR GODSON SAID THAT THE INITIATIVE FOR THE PRC-CANADIAN AGREEMENT CAME LARGELY FROM THE PRC.

3. THE CANADIANS ALSO WISHED TO TALK ABOUT COPYRIGHTS AND PATENTS, BUT THE PRC WAS NOT PREPARED TO MOVE BILATERALLY IN EITHER OF THESE TWO AREAS. HOWEVER, THE CHINESE IN EFFECT DO ACCORD "PATENT PROTECTION" TO FOREIGN FIRMS AS STIPULATED IN
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MANY PURCHASE CONTRACTS FOR MACHINERY AND TECHNOLOGY. IN

GODSON'S VIEW, THE PRC DOES NOT WANT TO "GIVE AWAY" PATENT PROTECTION THROUGH GOVERNMENTAL CHANNELS WHEN THEY CAN USE IT AS PART OF THE BARGAINING PROCESS WITH FOREIGN FIRMS.

4. ACCORDING TO THE CANADIANS, BEFORE THE CULTURAL REVOLUTION THE PRC HAD TRADE MARK AGREEMENTS WITH BRITAIN, DENMARK, SWITZERLAND, SWEDEN, CZECHOSLOVAKIA, GDR, FINLAND, AND HUNGARY. SINCE THE CULTURAL REVOLUTION, AGREEMENTS HAVE BEEN SIGNED OR DISCUSSIONS HAVE TAKEN PLACE WITH ITALY, CANADA, AUSTRIA, FRANCE, RUMANIA, NORWAY, AND POSSIBLY JAPAN AND THE FRG.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PATENT AGREEMENTS, TRADEMARK AGREEMENTS, COPYRIGHT AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 23 JUL 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: willialc
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973PEKING00627
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS BRUCE
Errors: N/A
Film Number: n/a
From: PEKING
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730716/aaaaaltf.tel
Line Count: 73
Locator: TEXT ON-LINE
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 STATE 141280
Review Action: RELEASED, APPROVED
Review Authority: willialc
Review Comment: n/a
Review Content Flags:
Review Date: 31 JUL 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31-Jul-2001 by kelleyw0>; APPROVED <27-Aug-2001 by willialc>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PRC-CANADA TRADE MARKS AGREEMENT
TAGS: EIND, CH, CA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005